

## 1999 DRAFTING REQUEST

### Assembly Amendment (AA-AB57)

Received: 04/5/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: David Brandemuehl (608) 266-1170

By/Representing: Julie Clark

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: TNF, DOT

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Transporting hazardous materials requiring placarding

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#### Instructions:

See Attached

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 04/6/99	ygeller 04/6/99		_____ _____			
/1			martykr 04/6/99	_____ _____	lrb_docadmin 04/6/99	lrb_docadmin 04/6/99	

FE Sent For:

<END>

**1999 DRAFTING REQUEST****Assembly Amendment (AA-AB57)**Received: **04/5/99**Received By: **nilsepe**Wanted: **As time permits**

Identical to LRB:

For: **David Brandemuehl (608) 266-1170**By/Representing: **Julie Clark**This file may be shown to any legislator: **NO**Drafter: **nilsepe**

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Subject: **Transportation - miscellaneous**Extra Copies: **TNF, DOT**

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No specific pre topic given

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See Attached

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/?	nilsepe	1 4/6 jcg	lmk	1/4 4 lmt			

FE Sent For:

&lt;END&gt;

## Nilsen, Paul

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**From:** Walheim, Lyle  
**Sent:** Tuesday, March 02, 1999 7:59 AM  
**To:** Maassen, Joe; Nilsen, Paul  
**Cc:** Huxtable, Sandra; Clark, Julie  
**Subject:** RE: Ab-57 simple amendment

Joc, That is basically correct. The concern is that if fed. reg. 172.504 which really defines when a PLACARD is required as the definition for "Transporting HM means" in SS 340, it will create the impression that the HM regs in our Trans rules only apply if required to be placarded. That is not the case because several requirements such as shipping papers marking, labeling apply when transporting any HM.

The purpose of this Leg. is to better define the Trans of HM for CDL purposes, that is a "placardable amount" and the 172.504 def. is appropriate and should be in SS 343 because it applies only to CDL. Lt. Lyle T. Walheim, Retired

MCSAP Program Mgr.

Wi. State Patrol

608 266 0305

-----Original Message-----

**From:** Maassen, Joe  
**Sent:** Monday, March 01, 1999 5:08 PM  
**To:** Nilsen, Paul  
**Cc:** Walheim, Lyle; Huxtable, Sandra; Clark, Julie  
**Subject:** Ab-57 simple amendment

Paul, help me out here if you can. Apparently our people feel that the definitional language given to you needs to go into chapter 343. to avoid some problems with the existing definition in chapter 340, which must remain for other reasons. Do you agree, if we put the proposed language into ch.343, although it appears nowhere else in the statutes...anyone enforcing hazardous materials requirement language elsewhere in chapter 343 would be limited to relying on the chapter 343 definition...correct?

Lyle, Sandy...is that what we want to accomplish?

*Call Lyle Walheim to redraft this Ad. 3/3/99*

**Nilsen, Paul**

**From:** Clark, Julie  
**Sent:** Tuesday, March 02, 1999 10:37 AM  
**To:** Maassen, Joe; Huxtable, Sandra; WALHEIM, LYLE; Nilsen, Paul  
**Cc:** VICKERY, WILLIAM; Frazier, Carson  
**Subject:** FW: AB 57 - simple amendment

**Importance:** High

Paul: Thanks for being persistent on this issue....I've just discussed it with Joe M...and he agrees we should hold off on the exec. session of this bill today....and get the simple amendment drafted to include not only the definition of "placarding HM" but also a phrase to cross reference it.....Can you please take a stab at amending s.343.04(2)(a), 343.055(3)(?) and 343.17(3)(d)Im...and anyother sections you feel need amending.

Lyle/Sandy: Hopefully this is ok with you.....I didn't want to get a bill out there that we have to go back into and change later.

I've called Sheri and asked her to pull this bill from the exec. session for now...She said that was fine....THANKS

-----Original Message-----

**From:** Nilsen, Paul  
**Sent:** Tuesday, March 02, 1999 10:24 AM  
**To:** Clark, Julie  
**Subject:** RE: AB 57 - simple amendment

The trouble remains that your distinction, although defined, is never used. If you intend your "placarding" definition to apply to provisions within ch. 343, you must actually use that phrase.

Nevertheless, I have drafted the amendment as you requested.

Paul E. Nilsen  
Legislative Attorney  
State of Wisconsin  
(608) 261-6920

-----Original Message-----

**From:** Clark, Julie  
**Sent:** Tuesday, March 02, 1999 10:17 AM  
**To:** Nilsen, Paul  
**Subject:** FW: AB 57 - simple amendment

-----Original Message-----

**From:** Huxtable, Sandra  
**Sent:** Tuesday, March 02, 1999 9:45 AM  
**To:** Clark, Julie  
**Cc:** Walheim, Lyle  
**Subject:** RE: AB 57 - simple amendment

Julie, Lyle and I have discussed this. We need to be able to maintain the distinction between when a CDL is needed due to HazMat in ss343 and when the hazmat regulations apply in all other cases. I think the proposal you have suggested here will accomplish that.

Sandra Huxtable  
Lieutenant  
Wisconsin State Patrol

-----Original Message-----

**From:** Clark, Julie  
**Sent:** Monday, March 01, 1999 4:03 PM  
**To:** Huxtable, Sandra; WALHEIM, LYLE; Maassen, Joe; VICKERY, WILLIAM  
**Subject:** FW: AB 57 - simple amendment

Sandy, Lyle, Joe, Bill: Please review the language suggested in the memo to Paul Nilsen.....I want to make sure we have it right....the Assembly Trans. committee is supposed to vote on this bill tomorrow (3/2) after session (about 2 PM or so)...Please let me know ASAP if this is correct....thanks//Julie

-----Original Message-----

**From:** Nilsen, Paul  
**Sent:** Monday, March 01, 1999 3:25 PM  
**To:** Clark, Julie  
**Subject:** RE: AB 57 - simple amendment

Julie:

I have drafted this amendment as requested. However, neither the draft nor current law use the phrase that is defined in the amendment. Please review the amendment closely to ensure it meets your needs. If it does not, please contact me to let me know what is intended. Thanks.

Paul E. Nilsen  
Legislative Attorney  
State of Wisconsin  
(608) 261-6926

-----Original Message-----

**From:** Clark, Julie  
**Sent:** Friday, February 26, 1999 9:53 AM  
**To:** Nilsen, Paul  
**Subject:** FW: AB 57 - simple amendment

Paul: This is the simple amendment that Sheri will be calling you about....Rep. Brandemuehl approve of it being drafted. He is going to exec this bill next Tuesday 3/2...thanks//Julie

-----Original Message-----

**From:** Clark, Julie  
**Sent:** Thursday, February 25, 1999 9:47 AM  
**To:** Krause, Sheri  
**Subject:** AB 57 - simple amendment

The Transportation Roadbuilders pointed out a problem with Section 1 of AB 57. The definition would exclude many HM haulers, if it is not amended....

Suggested drafting for simple amendment:

On page 2, Line 3, after the word "vehicle" insert a period and delete the balance of the sentence on lines 3 and 4.

Create a new section to read, "s.343.01( ) "transporting hazardous materials requiring placarding" means transporting hazardous materials that are required to be placarded as provided in 49 CFR 172.504."

**ASSEMBLY AMENDMENT ,**  
**TO 1999 ASSEMBLY BILL 57**

1 At the locations indicated, amend the bill as follows:

2           **1.** Page 2, line 3: delete the material beginning with “that is required” and  
3           ending with “172.504” on line 4.

4           **2.** Page 2, line 5: before that line insert:

5           **“SECTION 1m. 343.01 (2) (j) of the statutes is created to read:**

343.01 (2) (j) "Transporting hazardous materials requiring placarding" means transporting hazardous materials in vehicles that are required to be placarded as provided in 49 CFR 172.504."

9 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0119/1  
PEN:wlj&jlg:jf

March 1, 1999

Rep. Brandemuehl:

Ms. Julie Clark of DOT supplied the language for this amendment.

Because neither this draft nor current law uses the phrase defined in this amendment, I'm not sure what this amendment accomplishes. Please review this amendment closely to ensure it meets your intent.

I do not know what is intended by this amendment.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

110.07(3)

(3) The secretary may employ inspectors who may not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering s. 346.63, this chapter and chs. 194, 218, 340 to 345 and 347 to 351, s. 23.33, the inspection requirements of s. 121.555 (2) (b) and the requirements under s. 346.45 (4) for vehicles being used to **transport hazardous materials**. Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors shall be subject to ch. 40 as is the state traffic patrol. Subject to sub. (5), the secretary may clothe and equip inspectors as the interest of public safety and their duties require.

340.01(8)

(8) (intro.) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

340.01(8)(d)

(d) The vehicle is **transporting hazardous materials**.

340.01(72m)

(72m) (intro.) "**Transporting hazardous materials**" means any of the following:

340.01(72m)(a)

(a) **Transporting** any quantity of a **material** classified as a class A or B explosive, poison gas or "poison A", radioactive **material** or flammable solid dangerous when wet or "flammable W" in the **hazardous materials** table, 49 CFR 172.101.

340.01(72m)(b)

(b) **Transporting** an aggregate total of 1,000 pounds or more of one or more **materials** classified as a class C explosive, blasting agent, nonflammable gas, flammable gas, combustible liquid, flammable liquid, flammable solid, oxidizer, organic peroxide, poison or "poison B", corrosive **material**, or irritating **material** in the **hazardous materials** table, 49 CFR 172.101.

343.04(1)(c)

(c) (intro.) *Class C*. A "Class C" motor vehicle is any single vehicle with a gross vehicle weight rating, actual gross weight and registered weight of 26,000 pounds or less, including any such vehicle towing a vehicle with a gross vehicle weight rating, actual gross weight and registered weight of less than 10,000 pounds, if any of the following applies:

343.04(1)(c)2.

2. The vehicle is **transporting hazardous materials**.

343.04(2)(a)

(a) **Hazardous materials transporter**. **Hazardous materials transporter** vehicles are vehicles **transporting hazardous materials**.



343.055(1)(c)

(c) *Farmers.* The operator of the commercial motor vehicle is a farmer who is using the commercial motor vehicle within 150 miles of the operator's farm to **transport** agricultural products, farm machinery or farm supplies including **transporting hazardous materials** or a combination thereof to or from a farm and the commercial motor vehicle is operated and controlled by a farmer and not used in the operations of a common motor carrier or contract motor carrier, as defined in s. 194.01 (1) and (2). In this paragraph, "controlled" means leased or owned; and "farmer" and "leased" have the meanings given in s. 340.01 (18) (b).

343.055(3)

**(3) Vehicles transporting hazardous materials, carrying passengers or towing double or triple trailers not waived.** Nothing in this section authorizes the operation of a combination vehicle with double or triple trailers, a vehicle **transporting hazardous materials** except as provided in sub. (1) (c), or a vehicle carrying or designed to **transport** the driver and 15 or more persons, by a person who does not hold a valid operator's license properly endorsed to permit such operation.

343.16(1)(a)

(a) *General.* The department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the **transportation** of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (h), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for **transporting hazardous materials**, or the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

343.17(3)(d)1m.

1m. "H" endorsement, which authorizes the driver to operate vehicles **transporting hazardous**

**materials.**

343.28(1)

(1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, as provided in s. 345.48, forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was **transporting hazardous materials** or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver. Whenever a person is convicted of exceeding a posted speed limit, the record of conviction forwarded to the department shall include the number of miles per hour in excess of the posted speed limit.

343.28(2)

(2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the secretary of such person's operating privilege, the court in which the conviction occurred shall require the surrender to it of any license then held by such person. The clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction and any surrendered licenses. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was **transporting hazardous materials** or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.

343.315(2)(b)

(b) If any of the violations listed in par. (a) occurred in the course of **transporting hazardous materials** on or after July 1, 1987, the person shall be disqualified from operating a commercial motor vehicle for a 3-year period.

343.315(2)(i)

(i) If the violation listed in par. (h) occurred in the course of **transporting hazardous materials** or while operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver, the person shall be disqualified from operating a commercial motor vehicle for 180 days upon a first conviction, or for a 3-year period for a 2nd or subsequent conviction, arising from separate occurrences committed within a 10-year period while driving or operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44.

345.11(2m)(b)

(b) Whether the vehicle was **transporting hazardous materials**.

346.45(4)

(4) The department shall adopt rules for the marking and placarding of vehicles being used to transport hazardous materials which are potentially dangerous to life and property, which rules shall be in accordance with the regulations of the U.S. department of transportation.

+ rules 326, 328



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa02657

PEN.....

4/26

TODAY  
TUES. 4 pm

jg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT ,

TO 1999 ASSEMBLY BILL 57

WFO -  
Print w/  
line numbers

Note

At the locations indicated, amend the bill as follows:

1. Page 2, line 1: before that line insert:

1c ← (B) NO CAPS small  
"SECTION 1. 340.01 (8) (d) of the statutes is amended to read:

340.01 (8) (d) The vehicle is transporting hazardous materials requiring  
✓ placarding."

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 163, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277.

2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1A".

- 4  
3. Page 2, line 1: after that line insert:

"SECTION 1L. 343.04 (1) (c) 2. of the statutes is amended to read:

343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring  
placarding.

History: 1989 a. 105.

SECTION 1p. 343.04 (2) (a) of the statutes is amended to read:

INS  
A  
(from p. 2)

343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials transporter vehicles are vehicles transporting hazardous materials requiring placarding. ✓

History: 1989 a. 105.

SECTION 1t. 343.055 (1) (c) of the statutes is amended to read: ✓

343.055 (1) (c) *Farmers.* The operator of the commercial motor vehicle is a farmer who is using the commercial motor vehicle within 150 miles of the operator's farm to transport agricultural products, farm machinery or farm supplies including transporting hazardous materials requiring placarding ✓ or a combination thereof to or from a farm and the commercial motor vehicle is operated and controlled by a farmer and not used in the operations of a common motor carrier or contract motor carrier, as defined in s. 194.01 (1) and (2). In this paragraph, "controlled" means leased or owned; and "farmer" and "leased" have the meanings given in s. 340.01 (18) (b).

History: 1989 a. 105; 1991 a. 39, 242; 1993 a. 19; 1995 a. 113, 247.

SECTION 1x. 343.055 (3) of the statutes is amended to read: ✓

343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes the operation of a combination vehicle with double or triple trailers, a vehicle transporting hazardous materials requiring placarding ✓ except as provided in sub. (1) (c), or a vehicle carrying or designed to transport the driver and 15 or more persons, by a person who does not hold a valid operator's license properly endorsed to permit such operation. ○ — Fix quotation mark

History: 1989 a. 105; 1991 a. 39, 242; 1993 a. 19; 1995 a. 113, 247.

INS A  
(move to p.1)

4. Page 2, line 2: after "materials" insert "requiring placarding". ✓

5. Page 3, line 2: after that line insert:

“SECTION 3c. 343.16<sup>✓</sup>(1) (a) of the statutes is amended to read:

343.16 (1) (a) *General.* The department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of “Class A”, “Class B”, “Class C”, “Class D” or “Class M” vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate “Class M” vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials<sup>✓</sup>requiring placarding, or the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an “H” or “S” endorsement, the knowledge test is not intended to be a test for literacy or English

language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 193, 448; 1997 a. 27, 84, 237.

**SECTION 3g.** 343.17 (3) (d) 1m. of the statutes is amended to read:

343.17 (3) (d) 1m. "H" endorsement, which authorizes the driver to operate vehicles transporting hazardous materials requiring placarding.

History: 1971 c. 140; 1977 c. 29 s. 1654 (7) (a); 1977 c. 124, 272; 1979 c. 89, 306, 355; 1981 c. 20; 1985 a. 316 s. 25; 1989 a. 105, 298; 1991 a. 269; 1993 a. 19; 1995 a. 113; 1997 a. 27.

**SECTION 3L.** 343.28 (1) of the statutes is amended to read:

343.28 (1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, as provided in s. 345.48, forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver. Whenever a person is convicted of exceeding a posted speed limit, the record of conviction forwarded to the department shall include the number of miles per hour in excess of the posted speed limit.

History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1989 a. 105; 1995 a. 113.

**SECTION 3p.** 343.28 (2) of the statutes is amended to read:

343.28 (2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the secretary of such person's operating privilege, the court in which the conviction occurred shall require the surrender to it of any license then held by such person. The clerk of the court, or the justice, judge

or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction and any surrendered licenses. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding✓ or operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.

History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 ✓ 331; 1989 a. 105; 1995 a. 113.

**SECTION 3t.** 343.315 (2) (b) of the statutes is amended to read:

343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course of transporting hazardous materials requiring placarding✓ on or after July 1, 1987, the person shall be disqualified from operating a commercial motor vehicle for a 3-year period.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258 ✓

**SECTION 3x.** 343.315 (2) (i) of the statutes is amended to read:

343.315 (2) (i) If the violation listed in par. (h) occurred in the course of transporting hazardous materials requiring placarding✓ or while operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver, the person shall be disqualified from operating a commercial motor vehicle for 180 days upon a first conviction, or for a 3-year period for a 2nd or subsequent conviction, arising from separate occurrences committed within a 10-year period while driving or operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44.”.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258.

**6.** Page 3, line 8: after that line insert:

✓  
“**SECTION 4m.** 345.11 (2m) (b) of the statutes is amended to read:



345.11 (2m) (b) Whether the vehicle was transporting hazardous materials  
requiring placarding.”.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120.

(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0265/1dn

PEN.....

April 5 1992 3 new date

1/9

Rep. Brandemuehl:

This draft creates a new definition of "transporting hazardous materials requiring placarding" and substitutes that term for existing uses of "transporting hazardous materials". There is no substantive effect of this change (aside from updating the references to federal law), except that it brings the language of s. 346.45 (4) into relief to make clear that DOT's authority to regulate vehicles conveying dangerous substances is broader than authority to regulate only those vehicles transporting hazardous materials, as defined in federal law, in vehicles that are required under federal law to be placarded.

To accomplish the change described above, I changed the term defined in s. 340.01 (72m), 1997-98 stats., and modified all statutory uses of that term. Ok? Please check each of these changes closely to ensure that they meet your needs. For example, the change to s. 343.04 (1) (c) 2., makes "Class C" vehicles those vehicles "transporting hazardous materials requiring placarding", and makes all vehicles transporting hazardous materials that do not require placarding "Class D" vehicles. Ok?

This draft does not change the minimum insurance requirements in s. 194.41(6)(b)1. to apply only to "transporting hazardous materials requiring placarding". Ok? ▲ ▲

Should the uniform traffic citation be required to indicate whether the vehicle was conveying dangerous substances that are not required to be placarded? The amendment limits the uniform traffic citation to hazardous substances requiring placards. See the treatment of 345.11(2m)(b). Ok?

s. ▲

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0265/1dn  
PEN:jlg:km

April 6, 1999

Rep. Brandemuehl:

This draft creates a new definition of "transporting hazardous materials requiring placarding" and substitutes that term for existing uses of "transporting hazardous materials". There is no substantive effect of this change (aside from updating the references to federal law), except that it brings the language of s. 346.45 (4) into relief to make clear that DOT's authority to regulate vehicles conveying dangerous substances is broader than authority to regulate only those vehicles transporting hazardous materials, as defined in federal law, in vehicles that are required under federal law to be placarded.

To accomplish the change described above, I changed the term defined in s. 340.01 (72m), 1997-98 stats., and modified all statutory uses of that term. OK? Please check each of these changes closely to ensure that they meet your needs. For example, the change to s. 343.04 (1) (c) 2., makes "Class C" vehicles those vehicles "transporting hazardous materials requiring placarding", and makes all vehicles transporting hazardous materials that do not require placarding "Class D" vehicles. OK?

This draft does not change the minimum insurance requirements in s. 194.41 (6) (b) 1. to apply only to "transporting hazardous materials requiring placarding". OK?

Should the uniform traffic citation be required to indicate whether the vehicle was conveying dangerous substances that are not required to be placarded? The amendment limits the uniform traffic citation to hazardous substances requiring placards. See the treatment of s. 345.11 (2m) (b). OK?

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